

## **REMARKS**

Claims 1-11 and 19-29 were pending in the Application prior to the outstanding Office Action. In the Listing of Claims, Applicants have cancelled claims 1-7 and 10, amended claims 8, 9, 11, 19-22 and 24, and added new claim 30.

In the Office Action, claims 1-4 and 7-11 were rejected under 35 U.S.C. §102(e), claims 19-20, 22-23, and 26-29 were rejected under 35 U.S.C. §102(b). Claims 5-6 and 21 were rejected under 35 U.S.C. §103(a).

### **I. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §102(e)**

In paragraphs 1-2 of the Office Action mailed August 7, 2003, the Examiner rejected claims 1-4 and 7-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,039,316 issued to Jackson et al. ("*Jackson*").

#### **A. Claims 1-4, 7 and 10**

Claims 1-4, 7 and 10 have been cancelled. Thus, no response is required.

#### **B. Independent Claim 8 Patently Distinguishes over *Jackson***

*Jackson* describes a transport assembly in which arrays of microelectromechanical devices are utilized to transport objects. The devices are controlled by a hierarchy of computational elements. A global controller 230 contains these groups of computational elements. First level computational elements 604 communicate with second level computational elements 606, but not with other first level computational elements. Similarly, second level computational elements 606 communicate with first level computational elements 604 and with third level computational elements 610, but not with other second level computational elements. Communication between computational elements at differing levels represent positional information and correctional commands (see for example *Jackson*: Col. 7, lines 31-39).

In contrast, amended Claim 8 recites a control logic computer in which multiple threads, each associated with a particular low level controller of an electromechanical device communicate with each other to cooperatively accomplish a task. Each thread, a program that is part of the control logic computer, is associated with a particular low level controller (see for example the Specification at p. 6, lines 18-25 and p. 18, lines 16-27). Communication is between the control threads of the control logic computer,

rather than between computational elements as in *Jackson*, and communication is among peers, rather than up or down a control hierarchy. The information being communicated, in one embodiment of the present invention, is future acceleration values. *Jackson* does not teach or suggest the use of control threads that cooperatively communicate to accomplish a transport task. Therefore, Applicants respectively assert that the control logic computer recited in Claim 9 is not anticipated by *Jackson*.

**E. Dependent Claims 9, 11 and 30 Patently Distinguish over *Jackson***

Dependent claims 9, 11 and 30 depend directly or indirectly from independent claim 8. These dependent claims include all of the limitations of the independent claim from which they depend. Applicants respectfully assert that dependent claims 9-11 are allowable for at least the reasons set forth above concerning independent claim 8.

**II. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §102(b)**

In paragraph 3 of the Office Action mailed August 7, 2003, the Examiner rejected claims 19-20, 22-23, and 26-29 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,577,596 issued to Van Essen et al. ("*Van Essen*").

**A. Independent Claim 19 Patently Distinguishes over *Van Essen***

*Van Essen* describes a sorting device in which objects are routed in a transport device. The transport device includes a field of individual transport units. Routing of objects is accomplished through control of the individual transport units.

In contrast, amended Claim 19 recites a transport system that is able to automatically adapt to changes that affect routing decisions. Changes such as failures of track zones or directors, the installation of new directors, and the installation of new destinations cause the stored routing information to be automatically updated (see for example the Specification at p. 78, line 24 – p. 79, line 4). *Van Essen* does not teach or suggest any mechanism in which routing information can be generated or updated automatically. Therefore, Applicants respectively assert that the method recited in Claim 19 is not anticipated by *Van Essen*.

**B. Dependent Claims 20, 22-23, and 26-29 Patently Distinguish over *Van Essen***

Dependent claims 20, 22-23, and 26-29 depend directly or indirectly from independent claim 19. These dependent claims include all of the limitations of the independent claim from which they depend. Applicants respectfully assert that dependent claims 20, 22-23, and 26-29 are allowable for at least the reasons set forth above concerning independent claim 19.

### **III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)**

In paragraph 6 of the Office Action mailed August 7, 2003, the Examiner rejected claims 5-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,039,316 issued to Jackson et al. ("*Jackson*"). In paragraph 7 of the Office Action mailed August 7, 2003, the Examiner rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,577,596 issued to Van Essen et al. ("*Van Essen*"), in view of U.S. Patent No. 5,078,257 issued to Carter, Jr. ("*Carter*").

#### **A. Dependent Claims 5-6**

Claims 5 and 6 have been cancelled. Thus, no response is required.

#### **B. Dependent Claim 21 Patently Distinguishes over *Van Essen* in view of *Carter***

Dependent claim 21 depends indirectly from independent claim 19. This dependent claim includes all of the limitations of the independent claim from which it depends. Applicants respectfully assert that dependent claim 21 is allowable for at least the reasons set forth above concerning independent claim 19.

### **IV. OBJECTION TO CLAIMS 24-25**

In the Office Action mailed August 7, 2003, the Examiner objected to claims 24 and 25 as being dependent upon a rejected base claim, but allowable if rewritten in independent form. Independent claim 19, on which claims 24 and 25 depend, has been amended as discussed above. Claim 24 has been amended for clarity and to correct a typographical error. Applicants respectfully assert that claims 24 and 25 as amended are not anticipated nor made obvious by the art of record.

### **Additional R marks**

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application are allowable, and a Notice of Allowance is requested.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136 for extending the time to respond up to and including today, February 9, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0639 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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